

Appendix E - Statutes, Regulations, and Policy Requirements

Type of Grantee or Subgrantee	State and Local Government and Indian Tribes	Colleges and Universities	Non-Profit	For Profit
Administrative Regulations	7 CFR 3015 and 7 CFR 3016	7 CFR 3015 and 7 CFR 3019	7 CFR 3015 and 7 CFR 3019	7 CFR 3015 and 7 CFR 3019
Cost Principles	2 CFR 225 Old OMB A-87	2 CFR 220 Old A-21	2 CFR 230 Old A-122	48 CFR Subpart 31.2
Audit	A-133 If expend \$500k or more in one year in Federal awards or Program-specific audit	A-133 If expend \$500k or more in one year in Federal awards or Program-specific audit	A-133 If expend \$500k or more in one year in Federal awards or Program-specific audit	DCAA
Suspension and Debarment	<p>2 CFR 180</p> <p>Go to www.epls.gov to ensure subgrantees are not on the suspended or debarred list before award. Form AD-1048 “Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions” may be provided for signature to each subgrantee for the State department of agriculture’s files.</p>			
Statutory Requirements	<p>Section 101 of the Specialty Crops Competitiveness Act of 2004 (7 U.S.C. 1621 note) of Public Law 108–465; amended under</p> <p>Section 10109 of the Food, Conservation, and Energy Act of 2008, Public Law 110–246 (the 2008 Farm Bill)</p>			
Program Regulations	7 CFR Part 1291			
National Policy Requirements	National Policy requirements that affect certain types of grants are included below.			

NATIONAL POLICY REQUIREMENTS AFFECTING GRANTS

Issue	Applicable Statutes & Regulations	Impact of Requirement
Civil Rights	<ul style="list-style-type: none"> • Civil Rights Act, 42 USC 2000, as implemented at 28 CFR 42; • Age Discrimination Act, 42 USC 6101, as implemented at 45 CFR 90; • Age Discrimination in Employment Act, 29 USC 621, as implemented at 29 CFR 1625; • Title IX of the Education Amendments of 1972, 20 USC 1681, as implemented at 45 CFR 86; • Section 504 of the Rehabilitation Act, 29 USC 791, as implemented at 28 CFR 41; • Executive Order 11246; and • Americans with Disabilities Act, P.L. 101-366. 	<ul style="list-style-type: none"> • Certification(s) of compliance with one or more authorities may be required. • Regulations dealing with access for the disabled may impact project plans (e.g., architectural plans for construction projects, or requirements for including affected individuals on planning boards).
Labor Standards	<ul style="list-style-type: none"> • Fair Labor Standards Act, 29 USC 207, as implemented at 29 CFR 500899; • Davis-Bacon Act, 40 USC 3141-3148, as implemented at 29 CFR 1, 3, 5, and 7; and • Contract Work Hours and Safety Standards Act, 40 USC 327, as implemented at 29 CFR 5, 1926. 	<ul style="list-style-type: none"> • Requirements may affect amounts budgeted for compensation, as well as require alterations in the organization's compensation policies.
Intergovernmental Review	<ul style="list-style-type: none"> • Executive Order 12372, as implemented by individual agencies; and • The Intergovernmental Cooperation Act of 1968, 31 USC 6501. 	<ul style="list-style-type: none"> • If applicable, applicants must file a Notification of Intent to apply for assistance with state and area-wide clearinghouses. • If applicable, applicants must file completed applications with clearinghouses. • Comments made by or through the clearinghouses must be submitted to the federal agency with the application. • Applications subject to intergovernmental review which have not been reviewed will not receive federal funding.

Issue	Applicable Statutes & Regulations	Impact of Requirement
Confidentiality	<ul style="list-style-type: none"> • Freedom of Information Act, 5 USC 552, as implemented by individual agencies; and • Privacy Act, 5 USC 552a. 	<ul style="list-style-type: none"> • Portions of the application package and other records may be open to the public: confidential and proprietary information in grant applications (e.g., employee salaries, information on pending patents) should be marked to avoid disclosure.
Debarment and Suspension	<ul style="list-style-type: none"> • Executive Order 12549, as implemented in common rule form by individual agencies. 	<ul style="list-style-type: none"> • Excluded person(s) cannot be involved in a federal project. • Certification required with application.
Drug-Free Workplace	<ul style="list-style-type: none"> • Drug-Free Workplace Act of 1988, P.L. 100-690, as implemented in common rule form by individual agencies. 	<ul style="list-style-type: none"> • Certification of a drug-free workplace required with application.
Lobbying Restrictions	<ul style="list-style-type: none"> • Limitations on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions, 31 USC 1352, as implemented in common rule form by individual agencies. 	<ul style="list-style-type: none"> • Certification required with application. • Disclosure necessary if otherwise covered payment made with non-federal funds.
Conservation in Procurement	<ul style="list-style-type: none"> • Resource Conservation and Recovery Act, 42 USC 6962 and Executive Order 12873, as implemented at 40 CFR 247. 	<ul style="list-style-type: none"> • State and local governments should consider the impact of the requirements on their procurement system before applying for funds.
Crimes and Prohibited Activities	<ul style="list-style-type: none"> • Anti-Kickback (Copeland) Act, as implemented at 29 CFR 3.1; • False Claims Act, 31 USC 3729; and • Program Fraud Civil Remedies Act, 31 USC 3801-3812. 	<ul style="list-style-type: none"> • Note: although these statutes do not have a significant impact on the application process, they are important later in the grants process, and prospective recipients should be aware of their provisions, e.g., recipient liability for employee misuse of funds.
Seat Belt Use	<ul style="list-style-type: none"> • Highway Safety Act of 1966 as amended (23 USC §§402-03); • Government Organization and Employees Act as amended (5 USC §7902(c)); • Occupational Safety and Health Act of 1970 as amended (29 USC §668); and • Increasing Seat Belt Use in the United States (EO 13043). 	<ul style="list-style-type: none"> • Applicants should make sure their staff are aware of this requirement and periodically audit seat belt usage while on official business.

NATIONAL POLICY REQUIREMENTS AFFECTING RESEARCH GRANTS

Issue	Applicable Statutes & Regulations	Impact of Requirement
Protection of Human Subjects	<ul style="list-style-type: none"> • Government Organization and Employees, 5 USC 301, and President's Commission for the Study of Ethical Problems in Medicine and Biomedical and Behavioral Research, 42 USC 300v-1(b), as implemented by 45 CFR 46. 	<ul style="list-style-type: none"> • If applicable, applicants must file a Notification of Intent to apply for assistance with state and area-wide clearinghouses. • Applicant must create an Institutional Review Board. • Certification required before funds can be awarded. • The rights and welfare of human subjects involved in research must be protected.
Care and Use of Laboratory Animals	<ul style="list-style-type: none"> • Animal Welfare Act, 7 USC 2131, as implemented at 9 CFR, Subch. A, Parts 1-4; and • Marine Mammal Protection Act, 16 USC 1361-1407. 	<ul style="list-style-type: none"> • Applicant must create an Institutional Animal Care and Use Committee (IACUC). • Humane methods of treating laboratory animals must be used.
Recombinant DNA Molecules	<ul style="list-style-type: none"> • Implementing regulations published at 60 FR 20726, 59 FR 40170, and 59 FR 34496. 	<ul style="list-style-type: none"> • Applicant must create an Institutional Biosafety Committee (IBC). • Applicant must indicate the expected type and level of DNA usage in the research proposal.
Biosafety in Laboratories	<ul style="list-style-type: none"> • <i>Biosafety in Microbiological and Biomedical Laboratories</i>, published jointly by the Centers for Disease Control and the National Institutes of Health. (Note: this document does not have the force of law.) 	<ul style="list-style-type: none"> • Adherence to the Biosafety principles is usually factored into risk assessments conducted by agencies during application review.
Conflicts of Interest	<ul style="list-style-type: none"> • Agency implementations, e.g., 45 CFR 94; and • OMB Circular A-21. 	<ul style="list-style-type: none"> • Institutionwide policies regarding the permissible amount of professional services provided outside the institution should be established and maintained.
Patents and Copyrights	<ul style="list-style-type: none"> • Patent Rights in Inventions Made with Federal Assistance, 35 USC 202-204, as implemented at 37 CFR 401. 	<ul style="list-style-type: none"> • Government rights to inventions should be considered before applying for federal funds.